

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

IVON DARNELL and)
TAMMY DARNELL,) Case No. 4:05CV00052
)
Plaintiffs,)
) **ORDER**
v.)
)
K MART CORPORATION and) By: **Jackson L. Kiser**
ALCO ELECTRONICS, LTD.,) Senior United States District Judge
)
Defendants.)
)

Before this Court is Defendant Alco Electronics, LTD's ("Alco") Fed. R. Civ. P. 12(b)(6)

Motion to Dismiss the portion of Plaintiffs Ivon and Tammy Darnell's ("the Darnells")

Complaint that seeks damages for the Darnells' emotional distress. For the reasons stated in the accompanying Memorandum Opinion, Alco's Motion is **GRANTED**.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to all counsel of record.

Entered this 12th day of December, 2005.

s/Jackson L. Kiser

Senior United States District Judge